

Appln. No. 10/637,211

Attorney Docket No. 10541-1810

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 10 and 14-23 remain pending. Claims 1-9 and 11-13 have been cancelled.

### *Claim Rejections – 35 U.S.C. §103*

Claims 10 and 14-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2003/0053638 A1 to Yasuhara (Yasuhara) and U.S. Patent No. 6,212,282 B1 to Mershon (Mershon).

Claims 10 and 18 now recite that the audio system identifying that the headphone are in use based on the signals sent over the two-way wireless communication link and switch to a second mode where the set of rear speakers are deactivated. None of the references teach this element.

The claimed system realizes a unique functionality that is not present in any of the prior art systems. Utilizing controls directly on the headphone, that power on the headphones, the system can identify that upon power up of the headphones, the headphones will be used by a rear passenger. In an automotive application, a rear passenger has different requirements from a front passenger and, therefore, the system can automatically enter a very specific mode, unique to such a vehicle audio system, where the set of rear speakers are deactivated, the switch begins transmission of an audio signal from the second output channel to the headphone, the controls of the headphone configure the second output channel, and the front speakers continue to receive audio signals from the first output channel.

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Yasuhara does teach a front and rear audio system, but cannot not identify whether the headphones are in use. Yasuhara does teach a rear power switch, but does not automatically switch to the specific mode claimed because it does not contemplate if the headphones are in use according to a power on control in the headphone thereby inferring the differing desires of the front and rear passenger and, therefore, Yasuhara relies on the settings of other audio selection controls.

Langer teaches a remote control unit that that sends a mute signal to disable all speakers of the audio system when the headphones are plugged into a remote control. However, Langer is for home audio use and does not consider the scenario where a front and rear user require separate audio outputs and separate channel control. Therefore, Langer does not even contemplate the specific mode claimed above.

Similarly, Mershon also teaches a system for home audio use and does not consider the scenario where a front and rear user require separate audio outputs and separate channel control. Mershon is used only to teach controls being implemented on a headphone, but again cannot contemplate the specific mode claimed above.

In addition, neither Yasuhara, Langer or Mershon teach the controls *on the headphone* controlling a second audio channel separate from the first audio channel provided to the front speakers.

For at least the reasons provided above, the combination of Yasuhara, Langer and Mershon do not teach the present invention according to claim 10. Further claims 14-23 depend from claim 10 or 18 and are, therefore patentable for at least the same reasons as given above in support of claim 10 and 18.

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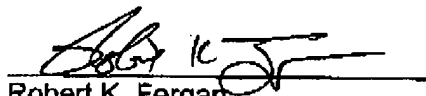
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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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